

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL STEFFEN

Defendant.

NO. CR04-5516FDB

ORDER AUTHORIZING
INTERLOCUTORY SALE OF
REAL PROPERTY LOCATED AT
540 3RD AVENUE, FOX ISLAND
WASHINGTON

This matter having come before the Court upon the stipulated motion of the parties, the United States of America, plaintiff, Michael Steffen, defendant, together with Third Party Petitioners, Countrywide Home Loans ("Countrywide") and William and Beverly Steffen, and the Court having considered the motion, the positions of the parties and the files and records herein, now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that:

1. The Motion for an Interlocutory Sale of the Real Property, located at 540 3rd Avenue, Fox Island, Washington, (Fox Island Property) is GRANTED; said real property is more specifically described as:

PARCEL A: Beginning at the Northwest corner of Lot 4, Section 35,
Township 21 North, Range 1 East of the W.M., in Pierce County,

Washington; thence South along the West line of said Lot 4 to intersection with meander line of said lot; thence North $31^{\circ}10'$ West along the meander line, 182 feet to the true point of beginning; thence continue North $31^{\circ}10'$ West along the meander line, 65.66 feet; thence East 128.17 feet to the West line of said Lot 4; thence North along the West line of said lot to a point 513.42 feet South of said Northwest corner of Lot 4; thence East to the Westerly line of Dreazy County Road; thence Southeasterly along said Westerly line to a point North $70^{\circ}30'$ East of the true point of beginning; thence South $70^{\circ}30'$ West to the true point of beginning.

PARCEL B: Beginning at a point 513.42 feet South of the Northeast corner of Government Lot 4, Section 34, Township 21 North, Range 1 East of the W.M., in Pierce County, Washington, on Fox Island; thence South and parallel to the East line of said Section 34, 85.57 feet; thence West at right angle to said East line, 128.17 feet to the meander line of Carr's Inlet; thence Northwesterly along said meander line, 100 feet; thence East 179.92 feet to the point of beginning.

TOGETHER WITH an undivided one-eighth interest in the following described property:
Beginning at a point 20 feet West and 33.11 feet North of the Northeast corner of Government Lot 4 in said Section 34; thence West 150 feet; thence South parallel to the East line of said Section 34, 100 feet; thence East parallel to the North line of said Lot 4, 150 feet; thence North 100 feet to the point of beginning.
Situate in the County of Pierce, State of Washington
Tax Parcel No. 0121353006

2. The interlocutory sale is necessary to prevent undue waste and/or deterioration of the property and to minimize costs of maintenance and preservation;

3. In furtherance of the interlocutory sale, the United States Marshals Service shall, at its expense, market and sell the Fox Island Property; the property may be listed with a licensed real estate broker selected by the United States Marshals Service; any offer received to purchase the Fox Island Property shall comply with, and conform to, the terms of the Settlement Agreement entered into between the above named Third Party Petitioners and the United States and filed with the Court. The expense of any improvements, repairs, or expenditures made to correct permitting deficiencies, made prior to closing of any sale occurring pursuant to this order, shall be borne by the United States Marshals Service, except to the extent that existing water damage to the hardwood floor in the kitchen/dining area may be covered by Countrywide's insurance.

4. The purchase price of the Fox Island property shall be all cash at closing;

1 5. The net proceeds of the sale of the Fox Island Property will include all money
 2 realized from the sale of the property, except for the following obligations, which shall be
 3 paid by the escrow directly from the gross proceeds of the sale, at the time of closing of
 4 the sale:

- 5 a. Real estate commissions, if any;
- 6 b. Real property taxes which are due and owing;
- 7 c. The principal and interest due to Countrywide in satisfaction of its lien
- 8 interest as defined in paragraph 2 of the Settlement Agreement filed herein;
- 9 d. Other closing costs incidental to the sale of the Fox Island Property,
- 10 including but not limited to escrow fees and document recording fees.

11 7. In the event that a sale of the Fox Island Property closes before the entry of a
 12 Final Order of Forfeiture herein, the net proceeds realized from the sale of the Fox Island
 13 Property, as defined above, shall be substituted for the Fox Island Property as an asset
 14 subject to forfeiture in this criminal forfeiture proceeding. In such event, the net proceeds
 15 from the sale, as defined above, shall be paid into the United States Marshals Service
 16 Seized Asset Deposit Fund pending resolution of this criminal case and this criminal
 17 forfeiture ancillary proceeding.

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1 In such case, the Final Order of Forfeiture, subsequently entered as to such net proceeds,
2 shall provide for any payment of the alleged Third Party Interests of petitioners William
3 and Beverly Steffen which may be due in accordance with the terms of the Settlement
4 Agreement filed herein between William and Beverly Steffen and the United States.

5 DATED this 3rd day of October, 2005.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

14 Presented by:

15 s/Peter O. Mueller
16 Peter O. Mueller
Assistant United States Attorney

s/Zenon P. Olbertz
Zenon P. Olbertz
Attorney for William and Beverly Steffen

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18
19 s/Robert W. Sargeant
20 Robert W. Sargeant
Attorney for Countrywide Home Loans

s/Brett A. Purtzer
Brett A. Purtzer
Attorney for Michael Steffen